

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	04-00298-01-CR-W-GAF
v.)	
)	
JOHN P. STREET,)	
Defendant.)	

MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE

PENDING CHARGE:

On September 13, 2006, the Grand Jury returned a third superseding indictment against defendants John P. Street and Darren A. Frank. Count One of the third superseding indictment charges that between January 1, 1996, up to and including September 21, 1999, said dates being approximate, defendants Street and Frank, aiding and abetting each other and others, while engaged in an offense punishable under 21 U.S.C. § 841(b)(1)(A), specifically the manufacture and distribution of methamphetamine, intentionally killed Douglas C. Weil, all in violation of 21 U.S.C. § 848(e)(1)(A) and 18 U.S.C. § 2. Count Two charges that between January 1, 1996, up to and including September 21, 1999, defendants Street and Frank, aiding and abetting each other and others, knowingly and intentionally, during and in relation to a drug-trafficking crime, used and carried a firearm, and in so doing, defendants, aiding and abetting each other and others, committed murder and caused murder to be committed, that is, the unlawful killing of Douglas C. Weil, with malice aforethought, such murder being willful, deliberate, malicious, and premeditated, all in violation of 18 U.S.C. § 924(j)(1) and (2). Count Three charges that between January 19, 1998, and February 9, 1998, said dates being approximate, defendants Street and Frank, aiding and abetting each other and others, knowingly and intentionally killed Douglas C. Weil, with the intent to prevent the communication by Douglas C. Weil to a law enforcement officer of the United States of information relating to the manufacture and distribution of methamphetamine, all in violation of 18 U.S.C. § 1512(a)(1)(C) and 2.

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Jeffrey Valenti and Mike Warner
Case Agent: KCMOPD Det. Billy Martin
Defense: Fred Duchardt

OUTSTANDING MOTIONS: None

TRIAL WITNESSES:

Government: 50 with stipulations

Defendant: 55 witnesses; defendant may testify

TRIAL EXHIBITS:

Government: 400 exhibits

Defendant: 100 exhibits for defendant

All exhibits are to be marked individually and numerically with no letters or subparts.

DEFENSES: General denial

POSSIBLE DISPOSITION:

(X) Definitely for trial; () Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 10 days

Government's case including jury selection: 5 days

Defense case: 3 ½ to 4 days

STIPULATIONS: Same stipulations as before.

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Amended Witness and Exhibit Lists

Government: To be filed by September 21, 2009.

Defense: To be filed by September 21, 2009.

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday, September 23, 2009.

Defense counsel will provide proposed voir dire questions to the District Court.

Please Note: Jury instructions must comply with Local Rule 51.1

Motion in Limine: Defense counsel to file motions in limine by September 11, 2009.

Government to file their response by September 18, 2009.

TRIAL SETTING: Criminal jury trial docket commencing September 28, 2009.

IT IS SO ORDERED.

/s/ Sarah W. Hays

SARAH W. HAYS

UNITED STATES MAGISTRATE JUDGE